

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATAUSHA SIMMONS,

Petitioner, Civil No. 2:24-CV-11454
v. HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

RAPHAEL WASHINGTON, et al.,

Respondents,

/

**ORDER DIRECTING THE CLERK OF THE COURT TO TRANSFER THE
MOTION FOR CERTIFICATE OF APPEALABILITY (ECF No. 10) TO
THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Latausha Simmons (“Petitioner”) filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court denied the petition for writ of habeas corpus, declined to issue a certificate of appealability, but granted petitioner leave to appeal *in forma pauperis*. (ECF No. 6).

Petitioner filed a Notice of Appeal. (ECF No. 8). Petitioner also filed a motion for a certificate of appealability (ECF No. 10).

The proper procedure when a district court denies a certificate of appealability, as this Court did, is for the habeas petitioner to file a motion for a certificate of appealability before the appellate court in the appeal from the judgment denying the petition for writ of habeas corpus or the motion to vacate sentence. *See Sims v. U.S.*, 244 F. 3d 509 (6th Cir. 2001)(citing Fed. R. App. P. 22(b)(1)).

Petitioner's request for a certificate of appealability should be directed to the Sixth Circuit. In the interests of justice, the Court orders Petitioner's motion for a certificate of appealability to be transferred to the United States Court of Appeals for the Sixth Circuit. *See Hayes v. Horton*, 606 F. Supp. 3d 676, 678 (E.D. Mich. 2022).

IT IS ORDERED that:

The Clerk of the Court transfer the "Motion for Certificate of Appealability" (**ECF No. 10**) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631 and is **DENIED without prejudice** pending further review by the Sixth Circuit.

s/Denise Page Hood

HON. DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

DATED: September 12, 2024